

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
ZONING MAP AMENDMENT REPORT (#FZC-19-25)
GOODE FAMILY TRUST
JANUARY 23, 2020

I. GENERAL INFORMATION

A. Project Description

This is a report to the Flathead County Planning Board and Board of Commissioners regarding a request by Angeliki Dousis, for Goode Family Trust for property located within the Willow Glen Zoning District. The proposed amendment, if approved, would change the zoning of the subject property from *B-2 (General Business)* and *R-1 (Suburban Residential)* to *I-1 (Light Industrial)*.

B. Application Personnel

1. Owner

Goode Family Trust
1639 US Highway 2 West
Kalispell, MT 59901

2. Applicant

Angeliki Dousis
3033 Helena Flats Road
Kalispell, MT 59901

C. Process Overview

Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the South Campus Building at 40 11th Street West in Kalispell.

1. Land Use Advisory Committee/Council

This property is not located within the jurisdiction of a Land Use Advisory Committee.

2. Planning Board

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on February 12, 2020 at 6:00 P.M. in the 2nd Floor Conference Room of South Campus Building located at 40 11th Street West in Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration.

3. Commission

The Commissioners will hold a public hearing on the proposed zoning map amendment on March 12, 2020. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendments will also be available for public inspection in the Office of the Board of Commissioners at 800 South Main Street in Kalispell.

II. PROPERTY CHARACTERISTICS

A. Subject Property Location and Legal Description

The property is located at 2385 Highway 93 South near Kalispell, MT (see Figure 1 below) and is approximately 9.5 acres. The property can be legally described as follows:

Parcel A of Correction Certificate of Survey No. 17014, being that portion of the Northwest Quarter of the Southeast Quarter of Section 20, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

Excepting, therefrom, Lot 1 and 2 of Meadow Park Unit No. 3, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, MT.

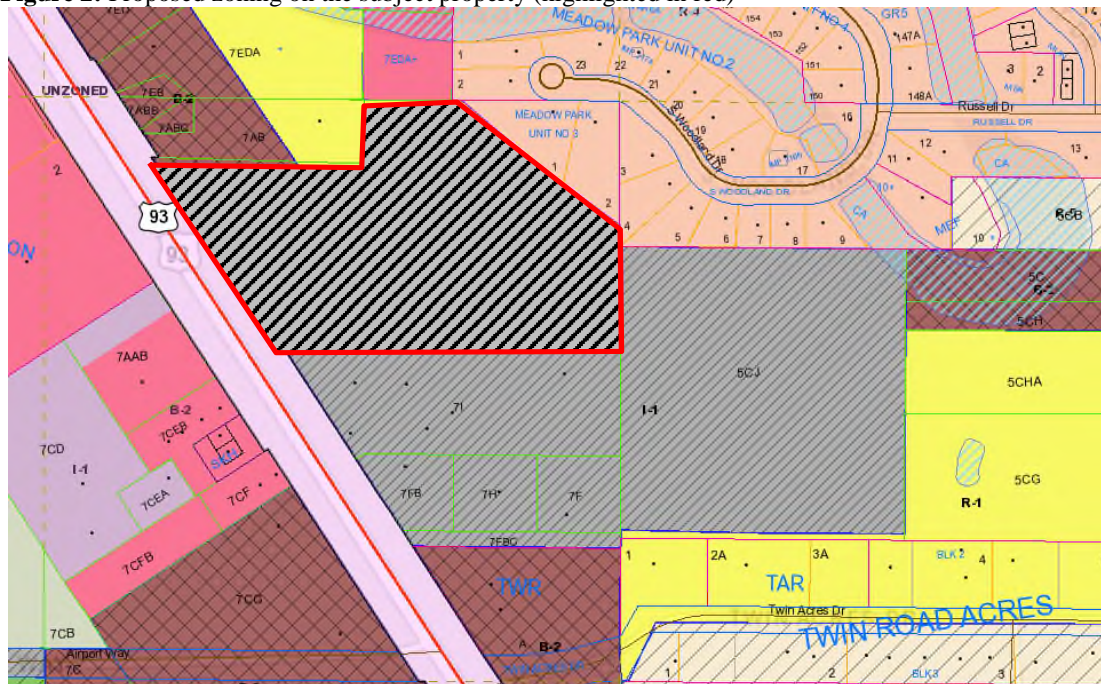
Figure 1: Subject property (outlined in red)



B. General Character of and Reason for Amendment

The property is located at 2385 U.S. Highway 93. The property contains a shipping containers for sale on the south portion near the highway, and a house on the north side of the property, the rear of the lot is vacant. The application states the reason for the request as, the property is in an area that would be more appropriately served by light industrial.

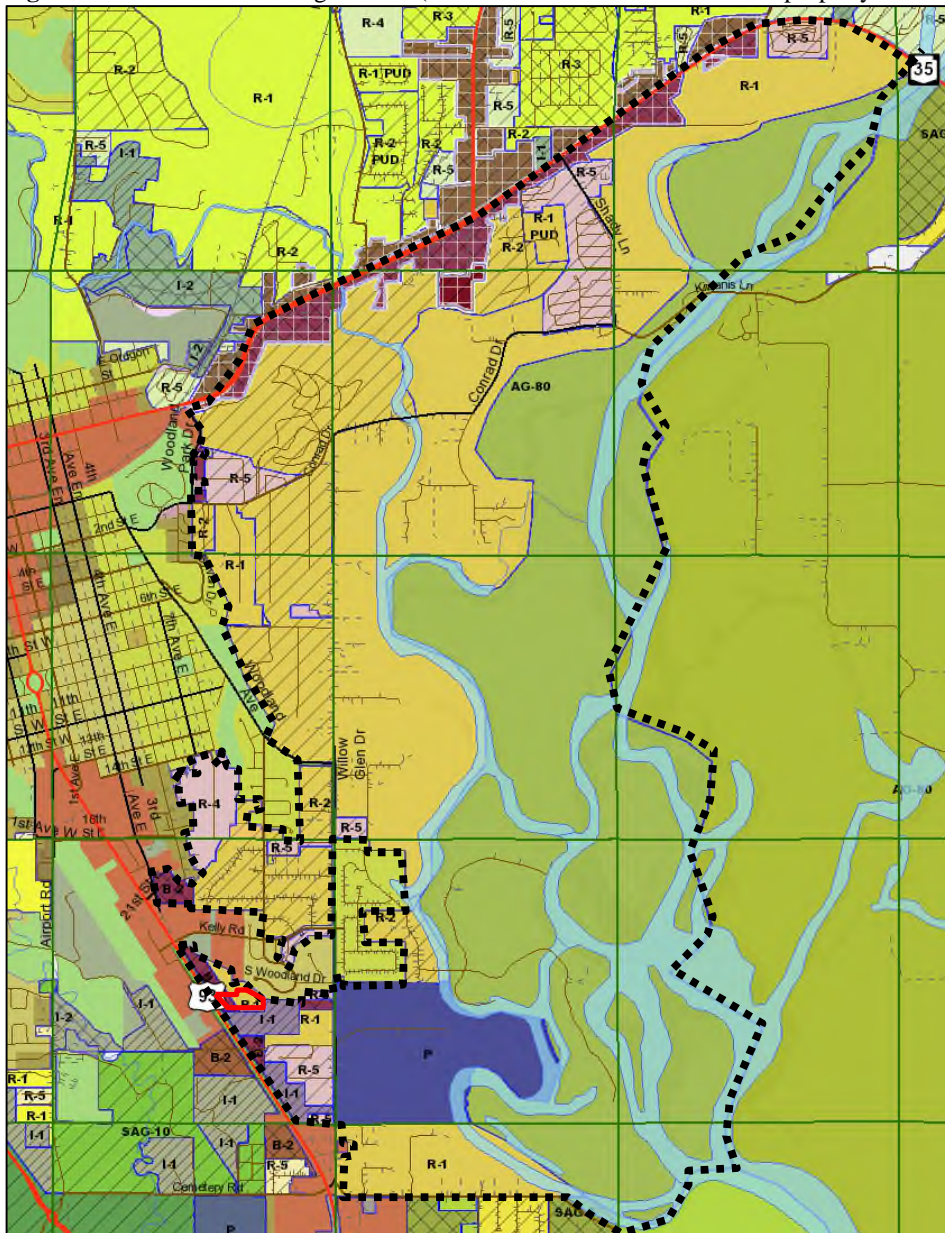
Figure 2: Proposed zoning on the subject property (highlighted in red)



C. Adjacent Zoning and Character of the Overall Zoning District

The property is located within the Willow Glen Zoning District, which is approximately a 3,900-acre zoning district in the area south of Highway 2 and 35 between the Flathead River and the City of Kalispell. Looking at the zoning within a half mile of the subject property and further north and south along Highway 93 the character of the corridor is a mixture of industrial, and commercial with residential and suburban agricultural zoning set further back from the highway. Directly adjacent to the property the land uses are general business and industrial which are zoned both County and City B-2 and I-1. Behind the property is a residential subdivision zoned City R-4.

Figure 3: Willow Glen Zoning District (outlined with dashed black line & property outlined in red)



D. Public Services and Facilities

Sewer: N/A
Water: N/A
Electricity: Flathead Electric Cooperative
Natural Gas: Northwestern Energy
Telephone: CenturyTel
Schools: Kalispell School District
Flathead High School District
Fire: South Kalispell Fire District
Police: Flathead County Sheriff

III. COMMENTS

A. Agency Comments

1. Agency referrals were sent to the following agencies on January 9, 2020:
 - Montana Department of Transportation
 - City of Kalispell Planning Department
 - Flathead County Solid Waste
 - Flathead City-County Health Department (inter-office mail)
 - Flathead County Weeds & Parks Department
 - Bonneville Power Administration
 - South Kalispell Fire District
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
 - City of Kalispell Planning Department
 - Comment: “We would recommend the proposed zone change of I-1 (Light Industrial) be denied based on the following issues and concerns:

“1. County re-zoning of the property is premature. The property appears to be currently vacant. The presumed purpose of re-zoning the property is to accommodate future industrial activity. Any change in use by the present or future owner will immediately require a review of any existing septic tank and drain field by the Flathead County Health Department, as well as any new septic requirements. Abutting the entire westerly boundary of the property is a City sewer main. Development of the subject property will be conditioned upon access to city services due to the properties adjacency to them. The property is adjacent to city property on both the west and northeast sides, and it is located well within the city’s annexation policy boundary. The city will work with the property owner to develop the property in a coordinated manner in accordance with city policies. At that time, the city will review the appropriate zoning classification upon annexation.

“2. The subject property is designated “Commercial” on the Kalispell Growth Policy Future Land Use Map. The “Commercial” land use designation does not anticipate industrial use of the property. The surrounding city properties are generally zoned commercial and

”

residential. Development and re-development in the area should reflect not just the current neighborhood, but also anticipate the direction the neighborhood is taking. Industrial development adjacent to the city in an area anticipated to be commercial does not blend well with the surrounding area.

“3. The property would be within a gateway entrance to the City of Kalispell. Entrance corridor standards at such entrances are intended to reduce and better control the number of accesses onto the highway to provide safer roads for the community, as well as improving the visual aesthetics in those areas. Industrial development of the property, if it were to occur, would likely conflict with the goals of the entrance corridor standards.

“Adding to the industrial zoning inventory at this time and at this location is not appropriate based on the points above. We strongly request that the Flathead County Planning Board and Board of County Commissioners deny this request based on the concerns voiced above and the negative effects approving an I-I (Light Industrial) Zoning District would have along this portion of Highway 93 South.” Letter dated December 19, 2019

- Flathead County Solid Waste District
 - Comment: “The District requests that all solid waste generated at the proposed location be hauled by a private licensed hauler. Evergreen Disposal is the licensed (PSC) Public Service Commission licensed hauler in this area.” Letter dated December 17, 2019
- Bonneville Power Administration
 - Comment: “At this time, BPA does not object to this request, as the property edge is located 2.54 miles away from the nearest BPA transmission lines or structures.” Email received December 16, 2019

B. Public Comments

1. Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject property on January 24, 2020. Legal notice of the Planning Board public hearing on this application was published in the January 26, 2020 edition of the Daily Interlake.

Public notice of the Board of County Commissioners public hearing regarding the zoning map amendment will be physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 [M.C.A]. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on the general character of the proposed zoning map amendment, and the date, time, and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

2. Public Comments Received

As of the date of the completion of this staff report, no public comments have been received regarding the requested zoning map amendment. It is anticipated any member

of the public wishing to provide comment on the proposed zoning map amendment may do so at the Planning Board public hearing scheduled for January 8, 2020 and/or the Commissioner's Public Hearing. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

IV. EVALUATION OF PROPOSED AMENDMENT

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing zoning amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

A. Build-Out Analysis

Once a specific zoning designation is applied in a certain area there are certain land uses that are permitted or conditionally permitted. A build-out analysis is performed to examine the maximum potential impacts of full build-out of those uses. The build-out analysis is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not best or worst case scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zoning map amendment to the future of the community to allow for the best possible review.

The R-1 designation is defined in Section 3.10 FCZR as, *'A district to provide estate-type development. These areas would normally be located in rural areas away from concentrated urban development, typically not served by water or sewer services, or in areas where it is desirable to permit only low-density development (e.g., extreme topography, areas adjacent to floodplains, airport runway alignment extensions).'*

Per Section 3.19 of the Flathead County Zoning Regulations (FCZR), B-2 is defined *'A business district to provide for those retail sales and service functions and operations that are typically characterized by outdoor display, storage, and/or sale of merchandise, by major repair of motor vehicles, and by outdoor commercial amusement and recreational activities. This district should also serve the general needs of the tourist and traveler.'*

The I-1 designation is defined in Section 3.30 FCZR as, *'A district to provide areas for light industrial uses and service uses that typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors, smoke, etc.), which extend beyond the lot lines. It is also intended that the encroachment of nonindustrial uses within the district be prevented other than those listed herein.'*

The permitted uses and conditional uses for the proposed I-1 and existing B-2 zoning contain several differences. The amendment would increase the number of permitted uses from 37 in B-2 to 50 in I-1 while changing the number of the conditional uses from 13 in B-2 to 18 in I-1.

The two permitted uses listed in the B-2 and not in allowed I-1 are as follows:

- Dwelling, duplex and multi-family.
- Dwelling, resort.

The three conditional use listed in B-2 that are permitted uses in I-1 are as follows:

- Animal hospital, veterinary clinic.
- Automobile repair shop.
- Mini-storage, RV storage.

The fifteen permitted uses listed in the I-1 and not in allowed B-2 are as follows:

- Auction yard, without livestock.
- Contractor's storage yard and building supply outlet.
- Direct mailing and telemarketing.
- Feed, seed and farm supply, including grain elevators.
- Heating ventilation, air conditioning and plumbing sales, services and repair.
- Heavy equipment sales, rental and service.
- High tech industrial business.
- Janitorial service.
- Manufacture of products such as clothing; furniture; fabricated wood, glass, plastic and metal products; leather and leather goods; medical, dental and optical products and equipment and boat building.
- Processing and manufacturing of food such as baked goods, dairy products, alcoholic beverages and beverage manufacturing and bottling.
- Parcel delivery service.
- Security guard service.
- Tire recapping and retreading.
- Truck terminal.
- Wholesale trade and warehousing.

The seven conditional uses listed in the I-1 and not in allowed B-2 are as follows:

- Auction yard, livestock.
- Automobile wrecking yard, junkyard, salvage yard.
- Communication tower/mast.
- Landfill, sanitary disposal of garbage and trash.
- Radio and television broadcast station.
- Recycling processing plant.
- Small wood product processing with five (5) or less employees.

The permitted uses and conditional uses for the proposed I-1 and existing R-1 zoning contain very few similar uses. The amendment would increase the number of permitted uses from 15 in R-1 to 50 in I-1, while changing the number of the conditional uses from 23 in R-1 to 18 in I-1.

The four permitted uses listed in the R-1 that are permitted in I-1 are as follows:

- Nursery, landscaping materials.
- Park and publicly owned recreational facility.
- Public transportation shelter station.
- Public utility service installation.

The seven conditional use listed in R-1 that are conditional uses in I-1 are as follows:

- Caretaker's facility.
- Electrical Distribution station.
- Golf course.
- Golf driving range.
- Radio and television broadcast station.
- Temporary building or use.
- Water storage facility.

The two permitted uses listed in the I-1 and allowed as a conditional use in R-1 are as follows:

- Cellular communications tower.
- Church and other place of worship.

The bulk and dimensional requirements within R-1 requires a 20 foot setback from front, rear, side-corner and side boundary line for principal structures and a setback of 20 feet for the front and side-corner and 5 feet from the rear and side for accessory structures. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials for both the R-1 zoning. For R-1 the permitted lot coverage is 40% and maximum height is 35 feet.

The B-2 zoning requires a setback of 20 feet from front, and side-corner boundary lines, and 15 feet from rear boundary lines and 5 feet from side boundary lines. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 10 foot setback is required from county roads classified as collector or major/minor arterials for both the proposed and current zoning. The maximum building height is 35 feet and there is no maximum permitted lot coverage.

The proposed I-1 zoning requires a setback of 20 feet from front, rear and side-corner and 10 feet from the side boundary line. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials for both the I-1 zoning. The maximum building height is 40 feet and there is no maximum permitted lot coverage.

The existing R-1 zoning requires a minimum lot area of 1 acre and the B-2 zoning minimum lot area is 7,500 square feet. The subject property totals 9.5 acres with approximately 3.25 acres zoned B-2 and the remainder zoned R-1. It is likely that approximately 30% of the property would be required for infrastructure. Therefore the R-1 could be divided into four lots and the B-2 could be divided into 13 lots. The proposed zoning minimum lot area is 7,500 square feet. It is likely that at full build-out the proposed zoning would allow approximately 38 industrial lots.

The requested zone change has the potential to increase density through subsequent subdivision in the future. The bulk and dimensional requirements are different and the number of permitted uses would increase and all three zones allow for multiple principal uses.

B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)

1. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.

The proposed zoning map amendment falls within the jurisdiction of the Flathead County Growth Policy, adopted on March 19, 2007 (Resolution #2015 A) and updated October 12, 2012 (Resolution #2015 R). The property is located within the Kalispell City-County Master Plan 2010, adopted on February 6, 1986 by the Flathead County Commissioners (Resolution #578A).

The Kalispell City-County Master Plan (Master Plan) serves as a planning tool for the area surrounding the City of Kalispell. The Master Plan was incorporated into the Growth Policy to provide more specific guidance on future development and land use decisions within the plan area at the local level. The Master Plan is composed of three major components, the text, the map and the goals and objectives. According to the Master Plan, "Relying on only one component will not always give a clear picture of the broad community concepts or the spirit of the Plan." This report contains discussion on compliance with all three components of the Master Plan.

The Kalispell City-County Master Plan Year 2010 currently designates the land use of the subject property as Commercial and Suburban Residential. The proposed use would be more compatible with the Light Industrial designation

The Suburban Residential designation states, "A residential district which provides for two or less units per acre. Such areas typically do not have access to a community sewer or water system, have only limited police and fire protection, and may have a limited carrying capacity due to site or soil limitations, floodplain or other natural constraints which preclude higher density. Suburban residential districts are typically located in two areas: on the periphery of the urbanizing community where they serve as a transitional development pattern between the urban area and the timber and agricultural areas beyond, and in aesthetically attractive areas such as foothills, lakeshore, or river frontage not suitable for agriculture or timber production. Suburban residential districts provide large lot, estate, ranchette, or resort housing opportunities where limited farming/ gardening and raising of animals is common and/or privacy, aesthetic consideration and preservation of natural surroundings are paramount. Detached single family houses and manufactured homes on individual lots would constitute the major land use pattern."

The Highway Commercial designation states, "A district which provides for compact grouping of commercial uses which require and cater to the automobile for customer contact. Uses are typically located along arterial and collector streets and include motels, auto sales and service, truck and heavy equipment sales, restaurants, building supply centers, etc. Uses are typically characterized by a need for considerable parking, outside displays, storage and sales areas. Districts may require extra front yard setbacks and/or frontage roads to allow for free traffic movement. Appropriate buffering, landscaping, setbacks should be incorporated whenever said district is adjacent to a residential district."

“Highway commercial districts within the Planning Jurisdiction are perceived to occur as compact expansion and infill of existing strip commercial developments occurring on Highway 93 south of 13th Street on Highway 2 between Meridian Road and Evergreen and on Highway 2 between Reserve Drive and the BN crossing to the north.”

Chapter 5 Land Uses of the Master Plan defines light industrial as, *“a district which includes manufacturing, fabricating, processing, storage, and transportation uses that do not create nuisances such as noise, dust, heat, odor, smoke, vibrations, etc. Districts should have immediate access to air, rail, and arterial or collector streets. Community water and sewer accessibility is important. Districts should not be located adjacent to residential or light intensity commercial districts. If so located, adequate buffering and setbacks must be incorporated. Direct ingress-egress into residential neighborhoods must be avoided.”*

The Master Plan also discusses locations for light industrial districts as, *“planned for adjacent to the municipal airport, adjacent, to the Burlington Northern tracks in uptown Kalispell and on the northern fringes of the Kalispell Planning Jurisdiction at the Highway 93- West Reserve Drive intersection and the Highway 2 – Reserve Drive intersection.”*

The proposed zone change is not near the area for industrial described in the text of the plan. As the property is located next to a commercial district and abuts a residential community. Ingress and egress to the property is via Highway 93 and would not require access from the neighboring jurisdiction.

It appears the proposed zoning map amendment is supported by the text of the Master Plan. Text in Chapter 5 of the Kalispell City-County Master Plan Year 2010 reads *“industrial development is sorely deficient. The entire Planning Jurisdiction contains only one-half (1/2) and Kalispell contains only one-fifth (1/5) of the industrially developed land normally found in a community of similar size.”* The plan also states that, *“a major emphasis is to be placed on light industrial development which will not compromise the outstanding air and water quality for which the Flathead Valley is known and provides,”* and *“industrial land and development provides a twofold benefit to an area. First, industrial land is a major component of the local tax base. Typically, industrial lands pay a far greater proportion in taxes than are received back in services. Second, industrial developments are a major source of employment and usually create additional local employment via the multiplier effect. Industrial development on the average is responsible for creating 1.5 to 2 additional local supports, service or retail jobs (non-basic) for each industrial (basic) job in a given area.”*

The following goals and objectives of the Master Plan appear applicable to the proposed zoning map amendment:

1. *Growth Management – A comprehensive, effective growth management program which provides for all the needs of the community is adaptable to changing trends and is attuned to the overall public welfare.*
5. *Economy*

- g. *Promote the location of business and clean light industrial so as to provide job opportunities and maintain Kalispell's position as a retail shopping center for northwest Montana.*
 - The proposed zoning map amendment would allow for a light industrial use consistent with the definition of 'I-1 Light Industrial,' "*a district to provide areas of light industrial uses and services that typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors, smoke, etc.), which extend beyond the lot lines. It is also intended that the encroachment of non-industrial uses within the district be prevented other than those listed herein*" [Section 3.27 FCZR].
- 6. *Land Use – The orderly development of the planning jurisdiction with ample space for future growth while, at the same time, ensuring compatibility of adjacent land uses.*
 - e. *Establish additional areas for light industrial expansion within or directly adjacent to the city. Target clean light industrial uses around the airport away from height restricted areas to serve as a buffer for adjacent land uses and to take advantage of airport transportation services.*
 - The proposed map amendment would establish additional areas for light industrial near annexed areas of the city.
- 8. *Public Facilities*
 - a. *Designate areas of future development which are already serviced or area in areas which can be economically serviced by water and sewer, police and fire protection, etc.*
 - The property is located directly adjacent to the City of Kalispell. The area directly to the west and northeast are built to urban densities and serviced by the City. However the applicant is not proposing to connect to City services.
 - The property is within South Kalipsell Fire District and served by the Flathead County Sherriff's office. It appears that the subject property can be economically serviced by water and sewer, police and fire protection.

Finding #1: The proposed zoning map amendment does not comply with the Kalispell City-County Planning Jurisdiction Master Plan Map Year 2010, because the property land use designation is Commercial and Suburban Residential.

Finding #2: The proposed Master Plan map amendment does not comply with all of the text and goals of the Master Plan because even though the Master Plan notes a deficiency in industrial uses within the planning jurisdiction and the proposal would add industrial acreage and ingress and egress will not traverse directly through residential neighborhoods; the applicant is not proposing to connect to City services, and the property is not buffered from residential uses to the northwest.

2. Whether the proposed map amendment is designed to:

a. Secure safety from fire and other dangers;

The subject property is located within the South Kalispell Fire District. The nearest fire and emergency response center is located approximately 0.5 road miles southwest of the property, on Willow Glen Drive. The South Kalispell Fire Department, who did not provide comments on this proposal, would respond in the event of a fire or medical emergency. Access to the subject property would be directly from Highway 93, a paved five lane MDT maintained road. The subject property is not located within the Wildland Urban Interface (WUI) or a county wide priority area.

According to FEMA FIRM Panel 30029C1820J, the property is located within an unshaded Zone X an area determined to be outside the 0.2% annual chance flood hazard.

Finding #3: The proposed map amendment will not impact safety from fire and other danger because the property is not located in the WUI and is located approximately 0.5 road miles from the nearest fire station within the West Valley Fire District, is located on a MDT maintained highway and not located within the 100 year floodplain.

b. Promote public health, public safety, and general welfare;

As previously stated, the subject property is located within the South Kalispell Fire District. The South Kalispell Fire Department would respond in the event of a fire or medical emergency and the Flathead County Sheriff's Department provides police services to the subject property. Highway 93 appears adequate to provide ingress and egress for emergency vehicles which would help to ensure adequate public health and safety.

Finding #4: The proposed zoning map amendment appears to have minimal negative impacts on public health, safety and general welfare because the property is served by the South Kalispell Fire Department, Flathead County Sheriff and Highway 93 provides ingress and egress for emergency vehicles.

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

The property is located on Highway 93 between Twin Acres Road and Kelly Road. Highway 93 is a five lane paved highway with an approximate 150-foot easement. The average daily traffic along Highway 93 near the subject property in 2018 was 20,121.

Staff utilized the Institute of Transportation Engineers Trip Generation Manual to determine the average daily trip (ADT) generation for the commercial uses. According to the Trip Manual the average trip generation rate on a Saturday for hotel is 8.17 trips per occupied hotel room (Saturday would generate the most traffic). A hotel estimating roughly 40 units, would account for an ADT of approximately 327. An industrial park could generate 61.17 ADT per acre. The proposal could generate 581 ADT if all 9.5 acres are utilized for an industrial park. Mini storage has the potential to generate 35.43 trips per day per acre. If the entire

9.5 acres is developed with mini storage the ADT would be 337. Given the wide range of uses the property could be utilized for it is hard to determine the exact ADT generated by the proposal.

Comments from the City regarding water and sewerage states, “Any change in use by the present or future owner will immediately require a review of any existing septic tank and drain field by the Flathead County Health Department, as well as any new septic requirements. Abutting the entire westerly boundary of the property is a City sewer main. Development of the subject property will be conditioned upon access to city services due to the properties adjacency to them. The property is adjacent to city property on both the west and northeast sides, and it is located well within the city’s annexation policy boundary.”

The applicant intends to utilize the property for mini storage at this time and not connect to City services. Environmental Health has stated there is no COSA for the review and would not need to be review for mini-storage. However, it is possible that once the zone change is complete the property could be utilized for any of the permitted uses listed in the I-1 zone as such review would likely be required by DEQ and Environmental Health to determine if the property meets the three to one cost ratio for City services.

While the subject property is located within the Kalispell/Flathead School District, it is noted the proposed industrial use would not generate any school children. The zoning map amendment would not impact the existing park system because no demand on existing parks would be created.

Finding #5: The proposed amendment would appear to facilitate the adequate provision of transportation, schools and parks because primary access is off of Highway 93, a five lane paved highway and the industrial zone would likely not generate school children or a need for additional parkland.

Finding #6: The proposed amendment may not facilitate the adequate provision of water and sewerage because the applicant is not proposing to connect to City water and Sewer services and many of the uses listed in I-1 would likely require public water and sewer, however if the applicant moves ahead with the proposed mini-storage use review would likely not be required Flathead City-County Health Department and the Montana Department of Environmental Quality.

3. In evaluating the proposed map amendment, consideration shall be given to:

a. The reasonable provision of adequate light and air;

While the proposed zoning map amendment has the potential to increase development density on the subject property, any additional lots created would be required to meet the bulk and dimensional requirements of the I-1 zoning classification.

The bulk and dimensional requirements for the proposed I-1 zone are different from the bulk and dimensional requirements for the existing R-1 and B-2. The proposed I-1 zoning sets permitted lot coverage as not applicable and there is a 7,500 square foot minimum lot size. The proposed zoning map amendment has the potential to increase development density on the subject property. The proposed I-1 zoning

requires a setback of 20 feet from front, rear and side-corner and 10 feet from the side boundary line. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials for both the I-1 zoning. The maximum building height is 40 feet and there is no maximum permitted lot coverage. These bulk and dimensional requirements within the I-1 designation have been established to ensure a reasonable provision of light and air.

Finding #7: The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional requirements of the I-1 designation.

b. The effect on motorized and non-motorized transportation systems;

The property is located on Highway 93 between Twin Acres Road and Kelly Road. Highway 93 is a five lane paved highway with an approximate 150-foot easement. The average daily traffic along Highway 93 near the subject property in 2018 was 20,121.

Staff utilized the Institute of Transportation Engineers Trip Generation Manual to determine the average daily trip (ADT) generation for the commercial uses. According to the Trip Manual the average trip generation rate on a Saturday for hotel is 8.17 trips per occupied hotel room (Saturday would generate the most traffic). A hotel estimating roughly 40 units, would account for an ADT of approximately 327. An industrial park could generate 61.17 ADT per acre. The proposal could generate 581 ADT if all 9.5 acres are utilized for an industrial park. Mini storage has the potential to generate 35.43 trips per day per acre. If the entire 9.5 acres is developed with mini storage the ADT would be 337. Given the wide range of uses the property could be utilized for it is hard to determine the exact ADT generated by the proposal.

Because the property is located along a five lane, state maintained highway and MDT did not provide comment on the proposal, effects on motorized transportation should be minimal.

The Flathead County Trails Plan identifies Highway 93 as an arterial bike/pedestrian trail. It is anticipated that there will be minimal impact on non-motorized traffic because future development (either through subdivision or site plan review) of the property would require an easement for a bicycle trail along Highway 93.

Finding #8: Effects on motorized and non-motorized transportation systems will be minimal because primary access is via Highway 93 is a five lane paved highway and there appears to be adequate space for a future bike/pedestrian easement along Highway 93.

c. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

The subject property is located within the Kalispell Growth Policy Map, annexation policy boundary and adjacent to the Kalispell City limits. According to the City

Planning Department, “The subject property is designated “Commercial” on the Kalispell Growth Policy Future Land Use Map. The “Commercial” land use designation does not anticipate industrial use of the property. The surrounding city properties are generally zoned commercial and residential. Development and re-development in the area should reflect not just the current neighborhood, but also anticipate the direction the neighborhood is taking. Industrial development adjacent to the city in an area anticipated to be commercial does not blend well with the surrounding area. The property would be within a gateway entrance to the City of Kalispell. Entrance corridor standards at such entrances are intended to reduce and better control the number of accesses onto the highway to provide safer roads for the community, as well as improving the visual aesthetics in those areas. Industrial development of the property, if it were to occur, would likely conflict with the goals of the entrance corridor standards.”

The Kalispell Growth Policy ‘*Commercial*’ designation lays out areas for commercial as, “*a. Established commercial districts along major arterials are anticipated to provide areas for commercial uses that require space for outdoor display of merchandise, storage of materials and / or equipment and outdoor sales areas as well as general retail. b. The expansion of additional commercial districts along major arterials is anticipated to occur at such time as the development or redevelopment of existing commercial districts have significantly developed to avoid the creation of new commercial district and leapfrog development. c. Expansion of commercial areas should be contingent upon the provision of public services and adequate infrastructure with consideration given to anticipated impacts on the neighborhoods, streets and the natural environment. d. Accommodate traffic circulation and access in ways that are safe for both motorized and non-motorized users, and that complement the street environment, rather than detract.*”

Finding #9: The proposal is not compatible with the City of Kalispell’s urban growth because the City designates the property as ‘*Commercial*’ and would conflict with the entrance corridor standards of the Kalispell Growth Policy.

- d. The character of the district(s) and its peculiar suitability for particular uses;** The character of the district and its peculiar suitability for particular uses can best be addressed using the three part test” established for spot zoning by legal precedent in the case of *Little v. Board of County Commissioners*. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a review of the three-part test in relation to this application and the character of the district and its peculiar suitability for particular uses.

- i. *The zoning allows a use that differs significantly from the prevailing use in the area.***

Looking at the zoning within a half mile of the subject property and further north and south along Highway 93 the character of the corridor is a mixture of industrial, and commercial with residential and suburban agricultural zoning set further back from the highway. Directly adjacent to the property the land uses

are general business and industrial which are zoned both County and City B-2 and I-1. Behind the property is a residential subdivision zoned City R-4. Because the property has I-1 zoning on two sides, the proposal allows similar use to the prevailing use in the area.

ii. *The zoning applies to a small area or benefits a small number of separate landowners.*

The zoning map amendment would apply to one tract of land which is owned by one landowner. Using standard ArcGIS software staff was able to determine the subject property is located within B-2 zoned area approximately 8.2 acres and an R-1 zone 9.6 acres in size. South of the property is a 16.5 acre County I-1 zone and west of the property is a 3.75 acre City I-1 zoning. Although the property is 9.5 acres in size, the proposal would connect the existing City and County I-1 zones for an I-1 zone totaling 29.75 acres.

iii. *The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.*

The proposed I-1 zone would allow for commercial and industrial development such as light assembly and manufacturing, hotels, banks, restaurants and auction yards.

As previously stated, there is a mixture of uses and zoning in the area along Highway 93. Even though the proposed zoning would be for one land owner and one tract it does not appear to be at the expense of the surrounding landowners.

Finding #10: The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because approval would not be at the expense of other landowners, there is a mixture of uses and zoning in the area along Highway 93 and the proposal would connect the existing City and County I-1 zones for an I-1 zone totaling 29.75 acres.

e. *Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.*

The property is located within the Willow Glen Zoning District, which is approximately a 3,900-acre zoning district in the area south of Highway 2 and 35 between the Flathead River and the City of Kalispell. Looking at the zoning within a half mile of the subject property and further north and south along Highway 93 the character of the corridor is a mixture of industrial, and commercial with residential and suburban agricultural zoning set further back from the highway. Directly adjacent to the property the land uses are general business and industrial which are zoned both County and City B-2 and I-1. Behind the property is a residential subdivision zoned City R-4.

Because there is a mixture of uses in the area, the proposed zone change would likely conserve the value of buildings and encourage the most appropriate use of land throughout the jurisdictional area.

Finding #11: This proposed zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this location because the area already contains a variety of uses and zones including I-1.

4. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

As previously stated, the subject property is located within the Kalispell Growth Policy Map, annexation policy boundary and adjacent to the Kalispell City limits. The closest properties within the City of Kalispell are zoned R-4, B-2 and I-1. The City's R-2 and B-2 do not allow for the industrial uses typical of the County's I-1 zoning. The neighboring I-1 zone allows for similar uses to the proposed zoning.

Finding #12: The proposal appears to be compatible with the City of Kalispell's zoning because the City I-1 zone across the highway allows for similar uses to the proposed I-1.

V. SUMMARY OF FINDINGS

1. The proposed zoning map amendment does not comply with the Kalispell City-County Planning Jurisdiction Master Plan Map Year 2010, because the property land use designation is Commercial and Suburban Residential.
2. The proposed Master Plan map amendment does not comply with all of the text and goals of the Master Plan because even though the Master Plan notes a deficiency in industrial uses within the planning jurisdiction and the proposal would add industrial acreage and ingress and egress will not traverse directly through residential neighborhoods; the applicant is not proposing to connect to City services, and the property is not buffered from residential uses to the northwest.
3. The proposed map amendment will not impact safety from fire and other danger because the property is not located in the WUI and is located approximately 0.5 road miles from the nearest fire station within the West Valley Fire District, is located on a MDT maintained highway and not located within the 100 year floodplain.
4. The proposed zoning map amendment appears to have minimal negative impacts on public health, safety and general welfare because the property is served by the South Kalispell Fire Department, Flathead County Sheriff and Highway 93 provides ingress and egress for emergency vehicles.
5. The proposed amendment would appear to facilitate the adequate provision of transportation, schools and parks because primary access is off of Highway 93, a five lane paved highway and the industrial zone would likely not generate school children or a need for additional parkland.
6. The proposed amendment may not facilitate the adequate provision of water and sewerage because the applicant is not proposing to connect to City water and Sewer services and many of the uses listed in I-1 would likely require public water and sewer, however if the applicant moves ahead with the proposed mini-storage use review would likely not be required Flathead City-County Health Department and the Montana Department of Environmental Quality.

7. The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional requirements of the I-1 designation.
8. Effects on motorized and non-motorized transportation systems will be minimal because primary access is via Highway 93 is a five lane paved highway and there appears to be adequate space for a future bike/pedestrian easement along Highway 93.
9. The proposal is not compatible with the City of Kalispell's urban growth because the City designates the property as '*Commercial*' and would conflict with the entrance corridor standards of the Kalispell Growth Policy.
10. The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because approval would not be at the expense of other landowners, there is a mixture of uses and zoning in the area along Highway 93 and the proposal would connect the existing City and County I-1 zones for an I-1 zone totaling 29.75 acres.
11. This proposed zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this location because the area already contains a variety of uses and zones including I-1.
12. The proposal appears to be compatible with the City of Kalispell's zoning because the City I-1 zone across the highway allows for similar uses to the proposed I-1.

VI. CONCLUSION

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning map amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal generally complies with the review criteria, based upon the draft Findings of Fact presented above. Section 2.08.040 does not require compliance with all criteria for evaluation, only that the Planning Board and County Commissioners should be guided by the criteria.

Planner: EKM